III. REMARKS

1.   Claims 1, 12, 13, 15, 20, 42, and 51-108 remain in the application.   Claims 21-41 have been withdrawn from consideration, claims 2-11, 14, 16-19, and 43-50 have been cancelled, and claims 109-115 have been added.   Claims 1, 13, 15, 42, 51, 70, 71, 73-77, 80-82, 85-90, 92, 93, 104, 107, and 108 have been amended.

2.   Applicants respectfully submit that claims 1, 12, 13, 15, 20, 42, and 51-108 are not anticipated by Olofsson et al. (US 6,647,265, "Olofsson").

Olofsson does not disclose or suggest operating a mobile execution environment to gather from an application program a set of requirements for a bearer service to be selected for use in communication between the application program and the mobile network, as recited by claim 1.

Olofsson also does not disclose or suggest an application execution environment for executing application programs provided by a manufacturer of the mobile terminal or a third party manufacturers, wherein the application execution environment is arranged to gather from the application program a set of requirements for a bearer service to be selected for use in communication between the application program and the mobile network, as recited by claim 42.

Column 1, lines 20 and 27 of Olofsson, cited in the Office Action, discloses how "a user's requirements" regarding a quality of service (QoS) in a communication network may be input into a computer or a computer application, which performs the negotiation with the bearer" (column 1, lines 24-27).   On the other hand, the independent claims of the present application specify that an application execution environment provided in a

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mobile terminal **is arranged to gather a set of requirements** for a bearer service **from an application program.** These claimed features of the present invention are neither taught by, nor can they be inferred from, Olofsson's disclosure.

It should be appreciated moreover, that the method of selecting a bearer service according to the present invention has distinct technical advantages compared with the type of bearer service negotiation described by column 1 lines 20-27 of Olofsson's patent. It would be clear to a person skilled in the art that Olofsson's reference to inputting user preferences into an application and then allowing the application to negotiate a desired quality of service would lead to a situation in which it would be necessary for a user to enter his preferences into each application to be run, each individual application negotiating its own quality of service with the bearer (service provider).

In contrast, in the method of the present invention, bearer service requirements are gathered from application programs by the application execution environment, which then conducts bearer service negotiation with the mobile network. As evidenced by the subject matter of dependent claim 54, for example, user preferences can also be taken into account during this process. By virtue of the fact that the application execution environment is responsible for bearer service negotiation, rather than individual application programs, the same user preferences can be used in connection with bearer service requests from different applications. This means that user preferences can be uniformly applied and, in principle, need to be entered only once, rather than a multiplicity of times, as would be the case in the system disclosed in Olofsson.

The claims have been amended to emphasise the role of the application execution environment in gathering bearer service

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requirements from application programs and in controlling the negotiation of bearer services for applications.

At least for these reasons, Applicants respectfully submit that Olofsson does not anticipate independent claims 1 and 42, and dependent claims 12, 13, 15, 20, and 51-108.

3. Claims 109-115 are new. Claims 109 and 110 depend from claim 1, and claims 111 and 112 depend from claim 42. Therefore claims 109-112 are also patentable over Olofsson.

Claim 113 is directed to a method for selecting a bearer service to be used in communication between a mobile network and an application program that is executed in a mobile terminal. The mobile terminal includes a mobile application execution environment for executing application programs. The method includes operating the mobile execution environment to gather from the application program a set of requirements for the bearer service to be used in communication between the application program and the mobile network.

Claim 14 is directed to a method for selecting a bearer service to be used in communication between an application program that is executed in a mobile terminal and a mobile network, where the mobile terminal includes an application execution environment for executing application programs provided by a manufacturer of the mobile terminal or third party manufacturers. The method includes operating the application execution environment to gather from the application program a set of requirements for the bearer service to be used in communication between the application program and the mobile network and to perform bearer service negotiation with the mobile network.

Claim 115 is directed to a mobile terminal for use in a communication system including a mobile network. The mobile

terminal includes an application program that is executed in the mobile terminal, and an application execution environment for executing application programs provided by a manufacturer of the mobile terminal or third party manufacturers. The pplication execution environment is arranged to gather from the application program a set of requirements for a bearer service to be selected for use in communication between the application program and the mobile network and to perform bearer service negotiation with the mobile network.
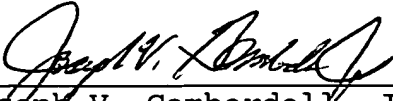
There is nothing in Olofsson that discloses or suggests the features of claims 113-115.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $2,018.00 is enclosed for a three (3) month extension of time ($950), seven (7) additional claims ($298), and Request for Continued Examination (RCE) Transmittal.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.
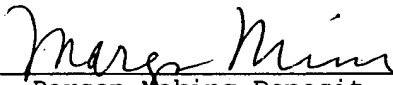
Respectfully submitted,

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